IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23041 of 2004

Between:

T. Krishna Reddy, S/o. T. Rami Reddy,
Kummarapalle, H/o. Sibyala, Rayachoty Mandal, Kadapa District.

..... PETITIONER

AND

1 Joint Collector, Kadapa, Kapada District.
2 The Revenue Divisional Officer, Kadapa, Kadapa District.
3 The Mandal Revenue Officer, Rayachoty Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, holding that the action of the Revenue Divisional Officer, Kadapa by his proceedings Ref C/426/2004, dated 2-12-2004 in cancelling the authorization of the petitioner as illegal, arbitrary and against to the rules and consequently direct the respondents to permit the petitioner to lift the stocks, and to pass such other order or orders.

Counsel for the Petitioner:MR.D.KODANDARAMI REDDY

Counsel for the Respondents No.1 to 3: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The authorization of the petitioner was cancelled by the Revenue Divisional Officer, Kadapa, the second respondent, on certain allegations. The petitioner preferred an appeal before the Joint Collector, the first respondent, aggrieved by the order of cancellation, together with an application for grant of stay. The grievance of the petitioner is that no orders have been passed by the appellate authority on the stay petition so far, and appropriate directions are sought.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The petitioner was issued a show cause notice, and on consideration of the explanation submitted in pursuance of the same, his authorization was cancelled. The question as to whether the order of cancellation suffers from any illegality or infirmity, needs to be considered in the appeal. This Court is not inclined to permit the petitioner to function as the fair price shop dealer, till the appellate authority passes orders either on the stay petition or in the appeal. The interests of the petitioner can be protected by directing that no regular appointment shall be made in the meanwhile.

Hence, the writ petition is disposed of directing that the appellate authority shall pass appropriate orders in the appeal preferred by the petitioner, within six weeks from the date of receipt of a copy of this order. It is further directed that no permanent dealer shall be appointed in the place of the petitioner till the disposal of the appeal. There shall be no order as to costs.

13.12.2004

ksld

To

1 Joint Collector, Kadapa, Kapada District.
2 The Revenue Divisional Officer, Kadapa, Kadapa District.
3 The Mandal Revenue Officer, Rayachoty Mandal, Kadapa District.

4 Two CCs. to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT)

5 Two CD copies.